

REMARKS

In an outstanding Office Action mailed November 14, 2003 in parent application S/N 10/278,524, the Examiner has rejected all pending claims as being anticipated by or made obvious over US 2001/0025618 A1 to Kelling (now U.S. Patent No. 6,679,212) alone or in combination with various references. As set forth in the attached Declaration Under 37 CFR 1.132, Applicant, James O. Burke, is a joint inventor of the claimed subject matter of the '212 patent. However, only James O. Burke conceived of the subject matter of the claimed invention of the present application to the extent that such subject matter is disclosed in the '212 patent (see Declaration Under 37 CFR 1.132). Such an unequivocal declaration is sufficient for, and should be accepted as, establishing inventorship of the subject matter disclosed in Kelling as applied against the pending claims (MPEP 716.10). Accordingly, Applicant has overcome the application of Kelling as prior art under 35 USC 102(e) and the Examiner's rejections should be withdrawn.

For at least these reasons, this case is now in condition for allowance, and notice to that effect is earnestly solicited. If for any reason this application is not considered to be in condition for allowance on the next Office Action and an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to contact the undersigned attorney at (312) 321-4200.

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By:

Respectfully submitted,


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